

**LICENSE COMMITTEE MEETING
MONDAY, SEPTEMBER 28, 2009 @ 6:00 PM**

ITEM #1

Application for a license to drive a cab for Yellow Cab.

Applicant: Jose Luis Estevez
415 Sumner Avenue
Springfield, MA 01108

ITEM #2

Application for a license to store gasoline and diesel at 1061 Memorial Drive. 40,000 gallons underground 1 – 8,000 gal; 1 – 8,000 diesel; 2 – 12,000 gals.

Applicant: Cumberland Farms, Inc,
Kathleen A. Sousa, Land Planning Mgr.
100 Crossing Blvd.
Framingham, MA 01702

ITEM #3

Application for a Service Station License located at 1869 Memorial Drive.

Applicant: Dinesh Patel, Amtheeben, Inc.
36 Yarmouth Drive
Agawam, MA

ITEM #4

Application for a Gas Storage License at 817 Front Street. 28,000 gallons underground.

Applicant: Sanjay Patel
592 Birnie Avenue
West Springfield, MA 01089

ITEM #5

Application for a Service Station License at 817 Front street.

Applicant: Sanjay Patel
592 Birnie Avenue
West Springfield, MA 01089

ITEM #6

ORDERED THAT the Pawnbroker License granted to Family Pawn, 212 Exchange Street, be called in before the License Committee pertaining to the Police Report dated 8/31/09 for violation of City Ordinance 188-12 G and MGL Chapter 140 Section 79. At this meeting the committee may modify, suspend, or revoke the license.

ITEM #7 – Tabled (letter of withdraw submitted – new applicant will apply for transfer)
Application for a Class II Transfer located at 363 Chicopee Street for Auto Deals.

Applicant: Mario Tascon, Jr.
99 South Street, 2nd floor
Chicopee, MA 01013

ITEM #8 - Tabled

ORDERED THAT Izzy's Garage & Shop, Inc., 562 Chicopee Street, Class II and Auto Repair licenses, be called in before the License Committee for violation of restrictions. At this meeting the Committee may suspend, modify, or revoke the licenses.

ITEM #9 – Tabled

Application for a NEW Junk Dealers License for Second Time Around Collectibles & Stuff located at 957 Chicopee Street. Selling furniture, antiques, etc.

Applicant Matthew Yacavone
 39 Columbia Street
 South Hadley, MA 01075

ITEM #10 – Minutes



CHICOPEE CITY COUNCIL

LICENSE COMMITTEE

ACCEPTED 10-26-09

Members

Ronald R. Belair, Chairman
Dino A. Brunetti, Vice-Chairman
Shane Brooks
Fred Krampits
Robert J. Zygarowski

MINUTES September 28, 2009

The following are the minutes of a public hearing held Monday, September 28, 2009 at 6:00 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present

Belair, Brunetti, Brooks, Krampits, Zygarowski

Also Present

Councilor Moreau, Kate Brown (Planning Director), Daniel Garvey (Associate City Solicitor), Captain Patrick Halpin

The meeting was called to order at 6:00 PM

ITEM #1

Application for a license to drive a cab for Yellow Cab.

Applicant Jose Luis Estevez
 415 Sumner Avenue
 Springfield, MA 01108

Applicant was present at the meeting. His license was verified.

Motion made by Councilor Krampits to approve.

Committee vote 4 – 0 favorable.

ITEM #2

Application for a license to store gasoline and diesel at 1061 Memorial Drive. 40,000 gallons underground 1-8,000 gallon; 1-8,000 diesel; 2-12,000 gallons.

Applicant Cumberland Farms, Inc.
 Kathleen A. Sousa, Land Planning Mgr.
 100 Crossing Blvd.
 Framingham, MA 01702

Representatives from Cumberland Farms, Inc., were present at the meeting.
The following recommendations were read:

Planning:

Business A zoned – use is allowed

No objections if the Chief is satisfied with the plan

Engineering:

Approval

Fire:

State Fire Marshal's approval contingent on occupant receiving license to increase fuel storage to 40,000 gallons.

Health:

No concerns at this time

Captain Halpin stated that plans stamped by the State Fire Marshal's office need to be submitted to the Fire Department.

Public Input

Christopher Adams, 640 Pendleton Avenue, just wanted to know what the proposal was. He has no concerns at this point.

RESTRICTIONS

Approval contingent on State Fire Marshal and Chief signing off

Not approving electronic sign

Motion made by Councilor Krampits to approve with restrictions.

Committee vote: 4 – 0 favorable.

ITEM #3

Application for a Service Station License located at 1869 Memorial Drive.

Applicant Dinesh Patel
Amtheeben, Inc.
36 Yarmouth Drive
Agawam, MA 01001

Chairman Belair read the following letter from the applicant:

September 15, 2009

Dear Mr. Belair:

Thank you for scheduling me at the September 28, 2009 meeting of the License Committee. As you know, I had filed an application for a Service Station License based on a proposed purchase.

For good and valid liability reasons, I hereby withdraw that application, and, thus, I ask for my presence at the above noted meeting to be excused.

Sincerely,

Dinesh B. Patel

President

Motion made to grant the leave to withdraw.
Committee vote 4 – 0 favorable.

ITEM #4

Application for a license to store gasoline and diesel at 817 Front Street. 28,000 gallons underground.

Applicant Sanjay Patel
592 Birnie Avenue
West Springfield, MA 01089

Applicant was present at the meeting.

The applicant stated that he is proposing to open the gas station and change from full service to self service along with a convenience store. He will at some point also request an auto repair / auto body license.

The applicant was informed that an auto body license request will not be looked at favorably at this location by the Fire Department.

Recommendation read from the following departments:

Health

Must submit interior plans for convenience store and must fill out application to operate a food establishment (convenience store)

Fire

To change to self service the occupant must install a Fire suppression system for the fuel pumping area. The license shall be contingent on a final inspection by the Fire Department. The applicant's application says Convenience Store and Auto Body.

Engineering

Denial, an addition to the building was constructed over an existing City of Chicopee sewer easement. This easement should be abandoned and the City held harmless for possible damage that could occur to the existing building in the event the pipe within the easement fails. I recommend this be sent to the Law Department for resolution.

Chairman Belair informed the committee that since Engineering conducted their initial review. The applicant's attorney and Daniel Garvey (Associate City Solicitor) have been resolving this issue. An Indemnification Agreement was signed and recorded at the Registry of Deeds that holds the city harmless and an order has been filed to abandon the easement.

Public Input

Paul Gallagher, 811 Front Street, stated that a 21E contamination report was conducted on the adjacent property and some samples were taken from his property. He would like to see the report and the findings.

RESTRICTIONS

State Fire Marshall approval

21E report to be presented to Robert Gallagher

Fire Chief to sign off for final inspection

Councilor Krampits made motion to approve with restrictions

Committee vote 5 – 0 favorable.

ITEM #5

Application for a Service Station License located at 817 Front Street.

No. of Pumps	4	No. of storage tanks	4
Type of fuel stored	3 x gas 1 x diesel	Cap. Of storage tanks	3 x 8,000 1 x 4,000
Hrs of Operation	6 AM – 10 PM	Self Service	
Heating System	Oil	Hrs. Attendance is on Premise	6 AM – 10 PM
Type of Service and Repairs, if any	Convenience Store		

Applicant Sanjay Patel
592 Birnie Avenue
West Springfield, MA 01089

Applicant was present at the meeting.

Restrictions
Chief to sign off
Withdraw of Repair License and Auto Body Repair

Committee vote 5 – 0 favorable.

ITEM #6

ORDERED THAT the Pawnbroker and Junk Dealer License granted to Family Pawn, 212 Exchange Street, be called in before the License Committee pertaining to the Police Report dated 8/31/09 for violation of City Ordinance 188-12G and MGL Chapter 140 Section 79. At this meeting the committee may modify, suspend, or revoke the license.

License holder, Cuong Ho and his attorney William Brown were present at the meeting.

Chairman Belair read excerpts of minutes from the following meetings
December 29, 2008 – “Tony Phan interpreting for the applicant stated that Mr. Cuong has multiple years of experience as a professional dealer on E-bay along with owning a nail salon that is also located in Chicopee. Alderman Belair asked how long he is expecting to keep an item before selling it. Tony Phan (interpreting for Cuong Ho answered 30 days, as it says in the law. Attorney William Brown stated that he will offer his opinion to his client to keep the item 30-90 days.”
January 26, 2009 – “Attorney Brown stated weekdays 7 am – 9 pm, no minors will be allowed to buy or sell, all buyers/sellers will need valid MA state ID, importance of all records be accurate and up to date, would like Cuong be allowed a first 6 month trial basis, security – spoke with Mr. Bonavita and he would like to come to City Hall along with the Chicopee Police Chief to go through all guideline.”
February 23, 2009 – “Applicant along with his attorney William Brown were present at the meeting along with Mr. John Bonavita (property owner). Mr. Brown submitted to the committee a security plan and a copy of the lease agreement. RESTRICTIONS: Abide by all city codes and ordinances, no bars or pull down shutters, video surveillance with tape record, no alteration to outside of the store front, abide by all city code 188-12, no article purchased to be sold for at least 90 days, hours of operation M-F 8-6, abide by

security plan, an employee that speaks fluent English on duty at all times, status update in 90 days. Junk Dealers License restrictions- abide by all city codes, hrs M-F 8 -6, 90 day review."

May 20, 2009 – "90 day review of Family Pawn, Pawnbrokers and Junk Dealer License, at that time the Police Department had no concerns regarding this license."

The following Police Report was read dated 8-31-09 from Lt. Mark Higgins.

"For several weeks now I have been monitoring business transactions at the Family Pawn on 212 Exchange Street in Chicopee. Because of the nature of this business they sometimes deal in stolen property. Some stolen property has been recovered from this business. I have visited with the owner, Cuong Ho on several occasions to advise him of State Law and City of Chicopee ordinance regarding Pawn Brokers. As there is a language barrier I brought Officer Nhac Truong to explain in detail these requirements. Officer Truong speaks fluent Vietnamese. I have provided Mr. Ho with copies of State Law and the City of Chicopee Ordinance regarding Pawn Brokers. I have advised Mr. Ho several times that the transaction log he keeps is not sufficient and needs to include more detail regarding items purchased and loaned. Specifically distinguishing marks and numbers (MGL Ch 140 Sec 79) as this allows us to cross reference stolen items. Mr. Ho has not yet complied with this requirement. City of Chicopee Ordinance 188-12 Sec. G states that pawn shops shall only be open between 7 am and 9 pm weekdays. Mr. Ho's application for permit with the City of Chicopee dated 1/16/09 stipulates among other things hours of operation to be Monday – Friday 8 AM – 6 PM. Officer Larry Carmen who is assigned that area, has informed me that on several occasions he has observed this business to be open on Saturdays and Sundays in violation of that Ordinance. On Sunday 8/30/09 about 1330 hrs Det. Timothy Foley recovered a stolen laptop computer from Family Pawn. Family Pawn was clearly opened for business. A copy of that days transaction log was obtained and will be part of this report. It also appears that about 95% of all transactions are direct "buys" of merchandise vs. "pawns". I am submitting this report to Chief Ferraro for review and forwarding to Chicopee City Council."

Chairman Belair provided a copy of the police report to the applicant and his attorney.

Attorney Brown stated that he did receive from the City Clerk's Office a copy of the restrictions placed on the licenses. He also stated that he is concerned about the police report and the operation of the business. He said that there is no excuse for the activities at this business. He asked that the committee give the license holder one more chance and issue a strict probation.

Councilor Brooks stated that he doesn't like to see store fronts in downtown closed but this is a serious matter.

Councilor Krampits stated that there are multiple violations and the license should be suspended.

Councilor Zygarowski asked the license holder what part of the restrictions he not understands. He also asked whether Mr. Bonavita, the property owner, has any concerns regarding this business. Mr. Bonavita stated that he spoke with Paul Czajka the owner of Bob's Bakery and he told him that he does not benefit from the customers at the Pawn shop but at least there is some traffic and activity at this location. Mr. Bonavita also spoke with Councilor Swider who had no concerns with the business.

Dan Garvey stated that you can not suspend the license because if someone wanted to retrieve his/her pawned item the business would have to be open. You could limit the hours.

VIOLATIONS

City ordinance 188-12G

MGL Chapter 140 Section 79

Hours of operation

Employee who speaks English on premise

No article to be sold for 90 days

Improper log book

Motion made to suspend for 21 days (from 10/7/09 – 10/28/09) of operation to purchase any items or to sell any items including any inventory items on E-bay, limited hours of operation for Pawn Retrieval only M-F 3 – 6 PM. No items to be received. Signs to be posted of suspension and hours to retrieve.

Committee vote 5 – 0 favorable.

ITEM #7

Application for a Transfer of a Class II License located at 363 Chicopee Street for Auto Deals.

Applicant Mario Tascon, Jr.
 99 South Street, 2nd floor
 Chicopee, MA 01013

Motion made to remove from the table. Motion passed.

Chairman Belair read the following letter:

August 31, 2009

To Whom It May Concern:

I, Mario Tascon, of Mar's Auto Sales, Inc., 363 Chicopee Street in Chicopee Massachusetts hereby wish to withdraw request of transfer of the Class 2 license. A new applicant will be submitting an application for transfer.

*Sincerely,
Mario Tascon
President*

Motion made to accept leave to withdraw.

Committee vote 5 – 0 favorable.

ITEM #8

ORDERED THAT Izzy's Garage & Shop, Inc., 562 Chicopee Street, Class II and Auto Repair Licenses, be called in before the License Committee for violation of restrictions. At this meeting the Committee may suspend, modify, or revoke the licenses.

Motion made to remove from the table. Motion passed.

Isaiah Salloom, license holder, was present at the meeting.

Councilor Moreau read the following letter that he submitted to the Committee when he filed the order to bring these licenses before the committee:

"At the July 7, 2009 regular City Council meeting I requested a hearing for Izzy's Garage & Shop, Inc., 562 Chicopee Street, Class II and Auto Repair Licenses because of violation of restrictions. At this meeting the committee may suspend, modify, or revoke the license. I have called these licenses in for the following reasons:

- After hearing complaints from the public, the City Council called the license holder in at the January 16, 2009 City Council meeting. The License Committee held a hearing on January 26, 2009. At this hearing the license holder did not appear. The meeting was re-scheduled for February 23, 2009.*
- At the February meeting the license holder was informed by the Chairman that there were bills owed to the city. The license holder was told that if he rents space to someone else that he/she must secure their own license and that if he hires an employee workers compensation insurance must be supplied.*
- Since that time I have been receiving complaints from neighbors that vehicles have been parked very close to the sidewalk facing the Chicopee Street side and that there is a danger of not being able to see traffic on Chicopee Street when exiting from Norman Street onto Chicopee Street.*
- On April 22, 2009 Police were called for a breaking and entering on the property.*
- On April 30, 2009 police were dispatched for a traffic problem. A car was blocking Chicopee Street. There was no access to Norman Street.*
- On June 22, 2009 police were dispatched because of a problem with the renter.*
- On June 23, 2009 police were dispatched to the property for a disturbance of which the party had refused to leave.*
- On June 25, 2009 there was a breaking and entering into the building.*
- On July 2, 3, 4, 5, and 6 there was an over abundant amount of vehicles on this property. There were a total of 8 cars of which 2 cars were on the property at 564 Chicopee Street next door to the business. There is also on the left side of the business a car that was in an accident and is being stored on the property (outside of the building). There are 2 trucks on the property. One truck is filled with waste material. This represented overall 10 vehicles stored on the property.*
- On July 7, 2009 police were dispatched to the property due to an undesirable individual. This individual was removed from this property.*

When reviewing the present licenses I have found that the Class II License shows that there is one single gas pump on the property. There are restrictions of 7 cars, no inoperable vehicles, no outside storage. On the Auto Repair License the restrictions state – no outside storage, no outside repair parking, and only 6 cars on the property. This license was signed for by an individual who lives at 564 Chicopee Street, 2nd floor.

I will not be able to attend this hearing but recommend revoking the license for the following reasons: neighborhood complaints, misuse of the property, cars and trucks stored there, use of the property next door for the sale of cars, and police reports from March until the present time."

The following e-mail dated 7-27-09 was read from Captain Halpin:

This office inspected this property today. The parking plan is not being adhered to. Ten vehicles are packed into the front and sides of this lot. Vehicles are parked against the structure; the front of the building is inaccessible due to the vehicles. Some of the vehicles are wrecked/damaged vehicles. The grass on the tree belt is overgrown and strewn with trash. No personnel were on site at the time of my visit so my inspection was limited to an external visual inspection.

The committee asked where Mr. Salloom resides. He stated that his current address is: 12 Western Avenue, Northampton, MA 01069.

Chairman Belair informed Mr. Salloom that he has outstanding bills owed to the city which will have to be paid prior to his renewing for 2010. Because at renewal he will sign an affidavit that he has no outstanding bills due to the city or the commonwealth. Mr. Salloom stated that he is almost up to date on his bills.

Mr. Salloom stated that he is not doing anything wrong at this location. He is just trying to run a business.

Councilor Moreau asked Mr. Salloom if someone is doing repair work on his site. Mr. Salloom responded that no one is working there besides himself.

The committee tried to inform Mr. Salloom that he is to abide by the restrictions placed on his licenses. That means if he only allowed 13 vehicles on the property then that's all that should be there. Mr. Salloom stated that the property could accommodate more vehicles. The committee again tried to tell Mr. Salloom that he is in violation of his license if he exceeds the number allowed.

Captain Halpin asked if Mr. Salloom has a waste oil tank that is required. Mr. Salloom stated that he does not have it yet. Captain Halpin stated that he should have had it 2 years ago.

The committee recommends the following:

Applicant must submit new parking plan within 21 days of this meeting by October 21st to the City Council, Planning Board, and Fire Department, and Engineering and appear at the November 30, 2009 License Committee meeting for review and clear up Fire Department concerns. Submit original and new parking plan.

Committee vote 5 – 0 favorable.

ITEM #9

Minutes – July 27, 2009

Motion made to accept. Motion passed.

Meeting adjourned at 8:45 PM.